

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

In re Innovatio IP Ventures, LLC, Patent Litigation	Case No. 1:11-cv-09308
This Document Relates To: All Cases	Judge James F. Holderman Magistrate Judge Sidney Schenkier

**CONSENT ORDER REGARDING INNOVATIO'S PRODUCTION OF
SNIFFING RESULTS AND RELATED INFORMATION**

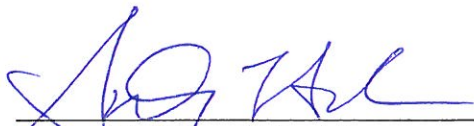
In resolution of the dispute concerning Innovatio's refusal to produce all sniffing data in its possession, custody or control, the Court hereby orders the following:

1. Innovatio IP Ventures, LLC ("Innovatio"), including through technicians, has "sniffed" certain wireless networks that Innovatio believes to be associated with one or more defendants in the actions which have been consolidated in 11-cv-9308 (collectively, to the extent represented by Kirkland & Ellis LLP in the consolidated actions, "Defendants," and each individually is "Defendant"). To the extent that Innovatio intends to rely on any sniffing data in its final infringement contentions with respect to a particular Defendant, Innovatio shall produce the Wireshark capture files and other "sniffing-related" information (*e.g.*, any inSSIDer data files, photographs of the sniffed locations, information concerning the location, address, date, and time of the sniff, etc.) from any and all sniffs conducted by any of Innovatio's technicians as of two weeks prior to the date of production for that Defendant: no later than three (3) weeks before the deadline for Innovatio to provide those final infringement contentions; unless the deadline for completing those final infringement contentions is prior to January 31, 2013, in which case Innovatio may produce the sniffing materials required to be produced pursuant to this paragraph concurrently with those final infringement contentions. If any of Innovatio's technicians conducts any additional sniffs for a Defendant after two weeks prior to the date of production for that Defendant, Innovatio shall produce any additional Wireshark capture files and other "sniffing related" information for each such additional sniff within four weeks after such additional sniff is conducted by the technician.
2. Nothing in the preceding paragraph obligates Innovatio to produce the Wireshark capture files or other "sniffing-related" information from any sniffs conducted exclusively by Innovatio's counsel, *i.e.*, instead of by one or more of Innovatio's technicians.

3. Nothing herein is intended to impact operation of the Local Patent Rules governing final infringement contentions or the amendment thereof, including without limitation Local Patent Rules 3.1 and 3.4.

IT IS SO ORDERED.

DATED: 11/28, 2012.



Honorable Sidney Schenkier
United States Magistrate Judge